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PATENT
Docket No.: 2685/112982 4-5-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : BANSAL, Pradeep et al. (2161)
SERIAL NO. : 09/089,011
FILED : June 2, 1998
FOR : METHOD AND APPARATUS FOR ADVANCED SCHEDULING
AND MESSAGING SYSTEM
GROUP ART UNIT : 2761
EXAMINER : A. Gagliardi

ASSISTANT COMMISSIONER FOR PATENTS
Washington D.C. 20231

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SUBMISSION OF APPELLANT'S BRIEF ON APPEAL

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Submitted herewith is an original and two copies of Appellant's Brief on Appeal. The Office is authorized to charge the Appeal Brief fee of \$320.00 and the one-month extension of time fee of \$110.00 to Deposit Account No. 11-0600. The Office is also authorized to charge any additional fees or credit any overpayments under 37 CFR § 1.16 or § 1.17 to Deposit Account No. 11-0600. A duplicate copy of this sheet is enclosed.

Respectfully submitted, -

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BANSAL, Pradeep et al.

Serial No.: 09/089,011

Filed: June 2, 1998

For: METHOD AND APPARATUS FOR
ADVANCED SCHEDULING AND
MESSAGING SYSTEM

Examiner: A. Gagliardi

Art Unit: 2761

APPEAL BRIEF

Assistant Commissioner for Patents
Washington, D.C. 20231

ATTENTION: Board of Patent Appeals and Interferences

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Sir:

Applicant submits this appeal brief in the above-referenced application. A notice of appeal was filed on December 18, 2001.

REAL PARTY IN INTEREST

AT&T Corp. is the real party in interest for all issues related to this application by virtue of an assignment filed with the Office on June 2, 1998.

RELATED APPEALS OR INTERFERENCES

There are no other appeals or interferences related to this application.

STATUS OF CLAIMS

This application contains claims 1-35, all of which stand finally rejected as anticipated or obvious over prior art. All rejections are appealed.

STATUS OF AMENDMENTS

No amendments were filed in this application subsequent to the June 19,2001 Final Rejection.

SUMMARY OF INVENTION

The present invention provides methods for managing a scheduling system, scheduling systems and corresponding articles of manufacture, as illustrated in Figs. 1-3. The scheduling system may include a scheduling unit 300 and a scheduling database 350, that a user may access through various access devices through a communication network 200. The user may also access the scheduling unit 300 through a computer 110, such as a Personal Digital Assistant (PDA), connected to an interface unit 115. A wireless device 130, such as a Personal Communication Services (PCS) telephone or other wireless telephone, may also be used to communicate with the scheduling unit 300. The user may enter information about an appointment, such as the date, time and place of a meeting, and a list of attendees into the scheduling unit 300. For each attendee, the user enters an attendee "profile" that includes, for example, how that attendee should be notified if the user will be late for the appointment. The scheduling unit 300 may store this information in a scheduler database 350. See page 5, line 13-page 8, line 21.

An attendee to a meeting may be notified if the user will be late for an appointment with an attendee notification message, and the attendee may generate a response that changes the time of the appointment. See page 7, line 1-page 8, line 21. For example, the scheduling unit 300 may deliver an audio message to the attendee by calling a telephone 410 or by placing the message on the attendee's voice mail system. Similarly, the scheduling unit 300 may send a message to the attendee's paging device (not shown in FIG. 1) or facsimile machine 430. The scheduling unit 300 may also send an electronic mail, or "e-mail," message to the attendee's computer 420. See page 7, lines 18-23.

According to an embodiment of the present invention, the scheduling unit 300 determines if a user will be late for an appointment based on the user's present location. For example, the scheduling unit 300 can continuously calculate an estimated "time of arrival" for the user based on the distance between the user and the appointment and the speed at which the user is traveling. The scheduling unit can use the location of the appointment and the location of the user to determine if the user will be late. See page 10, line 1- page 11, line 21.

ISSUES

- A. Whether claims 1, 17 and 30-32 are anticipated by Conmy.
- B. Whether claims 2-9, 12-16, 18-23, 29 and 33-35 are obvious over Conmy in view of Jones.
- C. Whether claims 10-11 and 24-28 are obvious over Conmy in view of Jones and further in view of Tognazzini.

GROUPING OF CLAIMS

The claims may be grouped as follows.

Group A: Claims 1, 16-29, and 32-33.

Group B: Claims 2-15

Group C: Claims 30-31 and 34-35

A separate basis of patentability is set forth below for each group.

ARGUMENT

Claims 1, 17 and 30-32 Are Not Anticipated

The Final Rejection rejects claims 1, 17 and 30-32 under 35 U.S.C. § 102(e) over Conmy (U.S. Patent No. 6, 101, 480). This rejection is should be reversed for the reasons discussed below.

To anticipate a claim, a reference must disclose each and every element of the claim. Scripps Clinic & Research Foundation v. Genetech, Inc., 927 F.2d 1565, 1576 (Fed. Cir. 1991). The applied Conmy reference does not disclose at least one feature of claims 1, 17, and 30-32. In particular, Conmy does not disclose: receiving a response to an attendee notification message from an attendee, the response changing the time of the appointment, as recited in claims 1 and 17, or means for receiving a response from an attendee of the meeting, the response changing the time of the appointment, as recited in claims 30-32.

The Examiner asserts that Conmy teaches receiving a response to the attendee notification message from an attendee, the response changing the time of the appointment. The Final Rejection refers to Figure 5 and indicates that the attendee can change the time of the meeting or appointment by choosing any of the recommended alternative meeting times.

Conmy does not disclose or suggest that the response from an attendee changes the time of the appointment, as asserted in the Final Rejection. Conmy instead discloses that a system may determine alternative event times for presentation to a coordinator or requestor trying to set up the meeting. In Conmy, neither the potential attendees, nor a response from the potential attendees, change a time of the meeting, as further described below.

Conmy discloses that the coordinator of an event selects desired invitees for the event with a date, time and duration. The system then accesses availability information to determine if all invitees can attend. If all invitees can attend, the system sends an invitation to the invitees, which the invitees may either accept or decline. If the invitees

decline, the system notifies the requestor. See column 5, lines 36-62. In determining availability, if all the invitees are not available, the system provides alternative event times, which represent the "best fit" for most of the invitees listed. See column 5, lines 63- column 8, line 25. Generating alternative event times to be used by the coordinator is not equivalent to changing the time of the meeting as required by the claims.

Conmy does not disclose or suggest that an invitee declining the invitation can in any way change the time of the meeting. Instead, in Conmy, when the invitee declines the invitation, this is merely sent to the coordinator who then must make decisions about how to reschedule the meeting or to not include the invitee in the meeting. Conmy does not disclose or suggest that the response from the attendee changes the time of the appointment, as recited in Claims 1, 17 and 30-32.

In the Advisory Action, the Examiner asserts that:

"In Conmy, a meeting for a tentative time and date is selected by the coordinator (user). The attendee gets to choose if the time arranged is a busy time, a conflict or if it's Okay. If the attendee selects that the time selected is a busy time or a conflict then the attendee is presented with a drop out menu where he can select an alternative meeting's time and date. Based on the attendee's recommended meeting times and dates, a final date is selected. Therefore, the attendee's response can change the time of the appointment."

It is respectfully asserted that the Examiner has misinterpreted the disclosure of Conmy. Conmy does not disclose that the attendee gets to choose if the time is a busy time, a conflict or if it's okay, that the attendee is presented with a drop out menu where he can select an alternative time and date, or that based on the attendee's recommended times and dates, a final date is selected. Instead, Conmy discloses that when the coordinator inputs date, time and duration for a potential meeting, the system determines whether all of the potential invitees are available. This is done by storing a calendar file and a profile for the invitees in a database 200 accessed by servers 204. See col. 3, lines 27-col. 4, line 40. A request processing unit 302 receives a request for an event and retrieves the availability information. See col. 4, lines 52-55.

As shown in Fig. 3, the system determines busy time for all invitees. If the request fits in the busytime for all invitees, the system sends an invitation to each

invitee, and if not, a best fit routine is performed. The invitees may accept or decline the invitation, and if they decline, the system notifies the requester. See col. 5, lines 59-62. The Examiner apparently believes that the views shown in Figs. 5-9 allow the invitees to check the boxes labeled FREE TIME, BUSY TIME, OK, or CONFLICT and to suggest alternative meeting times in the box labeled RECOMMENDED MEETING TIMES. However, these screens are generated by the system, with the system suggesting alternative meeting times to the coordinator. See col. 7, lines 58-61 and col. 8, lines 23-25.

Therefore, Conmy does not disclose or suggest that a response from an attendee can change the time of the meeting as required by the claims. Accordingly, claims 1, 17 and 30-32 are not anticipated and Applicants request reversal of the rejection.

Claims 2-9, 12-16, 18-23, 29 and 33-35 Are Not Obvious

The Office Action rejects Claims 2-9, 12-16, 18-23, 29 and 33-35 under 35 U.S.C. § 103 over Conmy in view of Jones (U.S. Patent No. 5,400,020). This rejection should be reversed for the reasons discussed below.

Claims 2-9, 12-15 and 33 depend from independent Claim 1, which as discussed above, is not anticipated by Conmy. Further, because Jones does not solve the above noted deficiencies of Conmy, these claims also would not have been obvious over the combination of Conmy in view of Jones.

Further, Claim 2 recites that the step of automatically generating an attendee notification message is performed when the meeting status indication information indicates the user will be late for the appointment. Claim 34 similarly recites determining if the user will be late for the appointment based on the users location information, the appointment location information, the appointment time information and a time associated with a user location information. Claim 34 further recites receiving a response from the attendee, the response including a proposal for a new time for the

appointment. It is respectfully asserted that these features are not shown in either Conmy or Jones, as further explained below.

The Office Action asserts that Jones teaches generating the attendee notification message when the status indication information indicates that the user will be late for the appointment at column 7, lines 4-32. However, Jones generally discloses a system for notifying persons of the impending arrival of a transportation vehicle. Jones in no way teaches or suggests generating an attendee notification message when the status indication information indicates that a user will be late for an appointment, as recited in Claim 2, because Jones only discloses notifying passengers of the time of arrival of a vehicle. Further, one of skill in the art would not combine the disclosure of Jones regarding the arrival time of a vehicle with the scheduling system of Conmy, which has nothing to do with arrivals of vehicles. Accordingly, this combination can only be made with hindsight consideration of the application. Even if combined, the references do not disclose or suggest generating an attendee notification message when the meeting status indication information indicates that the user will be late for an appointment, as required by Claim 2, or the corresponding steps recited in Claim 34 mentioned above.

Regarding Claims 16, 18-23 and 29, all of these claims recite that the response from the attendee changes the time of the appointment. As discussed in detail above, Conmy does not disclose this feature, but instead discloses that the coordinator changes a time of a meeting if desired such as when all or some attendees cannot attend the originally proposed time. Further, Jones does not solve this deficiency of Conmy.

In addition, neither of the applied references disclose or suggest determining if the user will be late for an appointment based on the user location information, the appointment time information, and time associated with the user location information, or receiving a response from the attendee, the response including a proposal for a new time for the appointment, as recited in Claims 30-31, 34 and 35. The Office Action seems to have ignored the recitation in Claim 34 that the response includes a proposal for a new time for the appointment. Conmy does not disclose or suggest that response

from an attendee can either change the time for an appointment or include a proposal for a new time.

Accordingly, the applied references do not render obvious claims 2-9, 12-16, 18-23, 29 and 33-35 and the rejection should be reversed.

Claims 10-11 and 24-28 Are Not Obvious Over

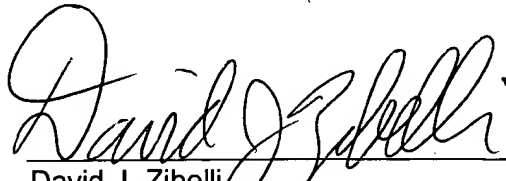
The Office Action rejects Claims 10-11 and 24-28 under 35 U.S.C. § 103 over Conmy in view of Jones and further in view of Tognazzini (U.S. Patent No. 5,790,974). This rejection should be reversed for the reasons discussed below.

These claims are not obvious over the applied references due to their dependence from independent Claims 1 and 19 for the reasons discussed above, and because Tognazzini does not solve the above noted deficiencies regarding the other applied references. In particular, as described above, Conmy does not disclose or suggest that the response from an attendee changes the time of a meeting. Accordingly, Claims 10-11 and 24-28 would not be obvious over the applied references. Accordingly, Applicants request reversal of the rejection of Claims 10-11 and 24-28 under 35 U.S.C. § 103.

CONCLUSION

Applicant respectfully requests reversal of the rejections to claims 1-35. These claims are allowable over the cited art.

Respectfully submitted,



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APPENDIX

CLAIMS ON APPEAL:

1. A method for managing a scheduling system, comprising the steps of:

receiving information about an appointment from a user;

receiving information about an attendee associated with the appointment, including attendee notification information;

determining meeting status information;

automatically generating an attendee notification message using the attendee notification information based on the meeting status information; and

receiving a response to the attendee notification message from an attendee, the response changing the time of the appointment.
2. The method of claim 1, wherein the meeting status information indicates if the user will be late for the appointment, said step of automatically generating an attendee notification message is performed when the meeting status indication information indicates that the user will be late for the appointment.
3. The method of claim 2, wherein the attendee notification information is a telephone number and said step of generating is performed by generating an audio message.
4. The method of claim 2, wherein the attendee notification information is an electronic mail address and said step of generating is performed by generating an electronic mail message.

5. The method of claim 2, wherein said step of determining is based on information received from a computer through a communication network.

6. The method of claim 2, wherein said step of determining is based on information received from a telephone through a communication network.

7. The method of claim 2, wherein said step of determining is based on information received from a wireless device through a communications network.

8. The method of claim 2, wherein the information about the appointment includes appointment time information and appointment location information, and wherein said step of determining comprises:

receiving user location information; and

deciding if the user will be late for the appointment based on the appointment time information, the appointment location information, the user location information and a time associated with the user location information.

9. The method of claim 8, wherein said step of deciding comprises:

calculating a travel distance based on the appointment location information and the user location information;

calculating a time of arrival based on the time associated with the user location information, the travel distance and a travel velocity; and

comparing the calculated time of arrival with the appointment time information.

10. The method of claim 9, further comprising the steps of:

receiving map information from a mapping database; and

adjusting the travel distance based on the appointment location information, the user location information, and the map information.

11. The method claim 9, further comprising the steps of:

receiving environment information; and

adjusting the travel velocity based on the environment information.

12. The method of claim 5 wherein said steps of receiving can be performed from multiple access devices.

13. The method of claim 2, further comprising the step of:

sending the attendee notification message to the attendee.

14. The method of claim 13, wherein the response received from the attendee to the attendee notification message changes the information about the appointment.

15. The method of claim 9, wherein said step of comparing is performed by comparing the calculated time of arrival with the appointment time information and a predetermined fixed period of time.

16. A scheduling system, comprising:

a scheduler database for storing information about an appointment and information about an attendee associated with the appointment, including attendee notification information; and

a scheduling unit coupled to said scheduler database and configured to determine if a user will be late for the appointment, said scheduling unit being further configured to (i) send an attendee notification message to the attendee using the attendee notification information when the user will be late for the appointment, and (ii) receive a response from the attendee to the attendee notification message, the response changing the time of the appointment .

17. An apparatus to manage a scheduling system, comprising:

means for receiving information about an appointment from a user;

means for receiving information about an attendee associated with the appointment, including attendee notification information;

means for determining if the user will be late for the appointment; and

means for sending an attendee notification message to the attendee using the attendee notification information when the user will be late for the appointment, and

means for receiving a response from the attendee to the attendee notification message, the response changing the time of the appointment.

18. An article of manufacture comprising a computer-readable medium having stored thereon instructions adapted to be executed by a processor, the instructions which, when executed, define a series of steps to manage a scheduling system, cause a series of steps to be performed, said steps comprising:

receiving information about an appointment from a user;

receiving information about an attendee associated with the appointment, including attendee notification information;

determining if the user will be late for the appointment;

sending an attendee notification message to the attendee using the attendee notification information when the user will be late for the appointment, and

receiving a response from the attendee to the attendee notification message, the response changing the time of the appointment.

19. A method for managing a scheduling system, comprising the steps of:

receiving information about an appointment, including appointment time information and appointment location information, from a user;

receiving user location information;

determining if the user will be late for the appointment based on the user location information, the appointment location information, the appointment time information and a time associated with the user location information; and

receiving a response from an attendee of the appointment, the response changing the time of the appointment .

20. The method of claim 19, wherein said step of determining comprises the steps of:

calculating a travel distance between the appointment location and the user location based on the appointment location information and the user location information;

calculating a time of arrival based on the time associated with the user location information, the travel distance and a travel velocity; and

comparing the calculated time of arrival with the appointment time information.

21. The method of claim 19, wherein the user location information is generated by a global positioning satellite receiver.

22. The method of claim 19, wherein the user location information is calculated from an automatic number identification number.

23. The method of claim 19, wherein the user location information is received through a communication network.

24. The method of claim 20, further comprising the steps of:
receiving map information from a mapping database; and
adjusting the travel distance based on the appointment location information, the user location information, and the map information.

25. The method claim 20, further comprising the steps of:
receiving environment information; and
adjusting the travel velocity based on the environment information.

26. The method of claim 25, wherein the environment information is weather information.

27. The method of claim 25, wherein the environment information is traffic information.

28. The method of claim 25, wherein the environment information is airline information.

29. A scheduling system, comprising:

a scheduler database for storing information about an appointment, including appointment time information and appointment location information;

a location determination unit configured to output user location information; and

a scheduling unit coupled to said scheduler database and said location determination unit, said scheduling unit being configured to (i) determine if a user will be late for the appointment based on the user location information, the appointment location information, the appointment time information and a time associated with the user location information (ii) receive a response from an attendee of the appointment, the response changing the time of the appointment.

30. An apparatus to manage a scheduling system, comprising:

means for receiving information about an appointment, including appointment time information and appointment location information, from a user;

means for receiving user location information;

means for determining if the user will be late for the appointment based on the user location information, the appointment location information, the appointment time information and a time associated with the user location information; and

means for receiving a response from an attendee of the meeting, the response changing the time of the appointment.

31. An article of manufacture comprising a computer-readable medium having stored thereon instructions adapted to be executed by a processor, the instructions which, when executed, define a series of steps to manage a scheduling system, said steps comprising:

receiving information about an appointment, including appointment time information and appointment location information, from a user;

receiving user location information;

determining if the user will be late for the appointment based on the user location information, the appointment location information, the appointment time information and a time associated with the user location information; and

receiving a response from an attendee of the appointment, the response changing the time of the appointment, if it is determined that the user will be late for the appointment.

32. A method for managing a scheduling system, comprising the steps of:

determining meeting status information based on information about an appointment and information about a user;

automatically generating an attendee notification message, using stored attendee notification information, based on the meeting status information;

receiving a response from an attendee of the appointment to the attendee notification message, the response changing the time of the appointment.

33. The method of claim 1 wherein the response from the attendee can be received by page, facsimile or e-mail.

34. An article of manufacture comprising a computer-readable medium having stored thereon instructions adapted to be executed by a processor, the instructions which, when executed, define a series of steps to manage a scheduling system, said steps comprising:

receiving information about an appointment, including appointment time information and appointment location information, from a user;

receiving user location information;

determining if the user will be late for the appointment based on the user location information, the appointment location information, the appointment time information and a time associated with the user location information;

notifying an attendee of the appointment, if it is determined that the user will be late for the appointment; and

receiving a response from the attendee, the response including a proposal for a new time for the appointment.

35. The method of claim 34 wherein the recited steps are performed by a PDA.